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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,767	04/05/2007	Thorsten Krawinkel	101769-362-WCG	3925
27386 7590 02/18/2009 NORRIS, MCLAUGHLIN & MARCUS, P.A. 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER HARRINGTON, RYAN M	
			ART UNIT 4151	PAPER NUMBER
			MAIL DATE 02/18/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/581,767	<b>Applicant(s)</b> KRAWINKEL, THORSTEN	
	<b>Examiner</b> RYAN HARRINGTON	<b>Art Unit</b> 4151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/06/2006, 08/21/2006</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: The word 'inertizing' on page 9, line 14 of the specification should be replaced with the word 'inertization' or, alternatively the word 'inerting'.

Appropriate correction is required.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 06/06/2006 and 08/21/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by GROVES (U.S. Patent 5,623,010).

5. Regarding claim 1, GROVES discloses an adhesive for an adhesive film strip (column 5, lines 34-37; examples 1-7, column 10, lines 56-66), comprising a mixture

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blend of an acid-modified or acid anhydride-modified vinylaromatic block copolymer (column 2, lines 40-60), a metal chelate of the following formula:  $(R_1O)_n M (XR_2Y)_m$ , where M is a transition metal (Tyzor DC® contains titanium, column 10, lines 1-5);  $R_1$  is an alkyl or aryl group (Tyzor DC® is described as having 2-propanol ligands, column 10, lines 1-5), n is zero or a greater whole number; X and Y are oxygen or nitrogen, optionally attached through a double bond to  $R_2$ ;  $R_2$  is an alkylene group connecting X and Y and may be branched, or else may contain oxygen or other heteroatoms in the chain; m is a whole number, but at least 1 (Tyzor DC® is described as having ethylacetylacetonate ligands, column 10, lines 1-5); and a tackifier resin (column 4, lines 17-20), the adhesive film strip is capable of being detachable by extensive stretching in the direction of the bondline (column 8, lines 60-66 and column 9 lines 1-6 describe a test method in which an adhesive strip is removed by extensive stretching in the bondline).

6. Regarding claim 2, GROVES discloses the adhesive of claim 1, wherein the vinylaromatic block copolymers (ABA block copolymers) possess polystyrene end blocks (column 2, lines 28-31).

7. Regarding claim 3, GROVES discloses the adhesive of claim 1 wherein the adhesive comprises further elastomers (column 4, lines 1-11 describe polymer blends containing butylene and ethylene which are known to those skilled in the art as elastomers), further acids (column 2, line 39-44; column 3, lines 26-28), further acid anhydrides (column 2, line 39-44; column 3 lines 26-28) or combinations thereof.

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8. Regarding claim 4, GROVES discloses the adhesive of claim 1, having a fraction of 20% to 70% by weight of vinylaromatic block copolymer, based on the weight of adhesive as a whole (which reads on the range of 5:95 to 95:5, column 2, lines 60-64; claim 9).

9. Regarding claim 5, GROVES discloses the adhesive of claim 1, comprising further blend components, selected from the group consisting of plasticizers (column 2, lines 32-35 discloses polydiene blocks comprising polybutadiene which are known to those skilled in the art as plasticizers), aging inhibitors (column 4, lines 39-57; column 5, lines 17-33), processing aids (column 10, lines 27-29 describe solvents being used as processing aids), fillers (column 4, lines 58-62), dyes (column 4, lines 62-65), and stabilizers (column 4 lines 66-67).

10. Regarding claim 6, GROVES discloses the adhesive of claim 1, wherein the metal chelates are acetylacetonates (ethylacetylacetonate is a derivative of acetylacetonate and are ligands of the Tyzor DC® complex as described in column 10, lines 1-5).

11. Regarding claim 7, GROVES discloses a single- or double-sided adhesive film strip comprising the adhesive of claim 1 (column 6, lines 46-50).

12. Regarding claim 8, GROVES discloses an adhesive film strip of claim 7, wherein said adhesive on at least one side of said adhesive film strip has a multilayer construction with an extensible carrier in between the layers (column 12, lines 30-35 describes a multilayer structure with an extensible foam carrier layer).

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13. Regarding claim 9, GROVES discloses the adhesive of claim 4, wherein said amount of vinylaromatic block copolymers is 30% to 60% by weight (which reads on the claimed range of 5:95 to 95:5; column 2, lines 60-64; claim 9).

14. Regarding claim 10, GROVES discloses the adhesive of claim 9, wherein said amount of vinylaromatic block copolymers is 35% to 55% by weight (which reads on the claimed range of 5:95 to 95:5, column 2, lines 60-64; claim 9).

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Graham (U.S. Patent 4,005,247) utilizes further combinations of metals and ligands in the preparation of similar cross-linked adhesive polymers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HARRINGTON whose telephone number is (571)270-7741. The examiner can normally be reached on M-TH, 730a-500p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Ortiz can be reached on (571)272-1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RH

***/Angela Ortiz/  
Supervisory Patent Examiner, Art Unit 4151***